131-444
(1)

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1888.

No. 274.

WILLIAM H. POST AND EDGAR S. YERGASON,
APPELLANTS,

vs.

THE T. C. RICHARDS HARDWARE COMPANY.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF CONNECTICUT.

FILED MAY 28, 1886.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1888.

No. 274.

WILLIAM H. POST AND EDGAR S. YERGASON, APPELLANTS,

vs.

THE T. C. RICHARDS HARDWARE COMPANY.

APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF CONNECTICUT.

INDEX

	Original.	Print.
Appeal	1	1
Appeal bond	4	2
Allowance of appeal	5	2
Return of circuit court	6	3
Bill of complaint	7	3
Appearance for defendant	13	5
Demurrer to bill (1st)	13	5
First demurrer withdrawn	16	6
Demurrer to bill (2d)	16	6
Opinion on second demurrer	18	7
Amendment to bill	21	8
Demurrer to bill (3d)	21	9
Opinion on third demurrer	25	10
Final decree	30	12
Stipulation to substitute copy of patent for the original	31	12
Certified copy of letters patent No. 11947 granted Edgar S. Yergason, August 17, 1880	32	13
Clerk's certificate	36	15

JUDD & DETWEILER, PRINTERS, WASHINGTON, SEPTEMBER 14, 1888.

reversed and a decree made reversing the said decree with costs, or such other decree as to the said Supreme Court may seem fit.

Dated at Hartford, Connecticut, this 18th day of March, 1886.

WM. H. POST,
EDGAR S. YERGASON,
By WM. EDGAR SIMONDS, *Solicitor.*

WM. EDGAR SIMONDS,
Of Counsel.

4 Supreme Court of the United States. In Equity.

WILLIAM H. POST & EDGAR S. YERGASON
vs.
THE T. C. RICHARDS HARDWARE COMPANY.

Know all men by these presents that we, William H. Post, of Hartford, Connecticut, and F. O. Clark, of Hartford, Connecticut, are held and firmly bound unto The T. C. Richards Hardware Company, a joint stock corporation under the laws of the State of Connecticut, located and doing business at Winsted, in the county of Litchfield, in said State, in the sum of three hundred dollars, to be paid to the said The T. C. Richards Hardware Company, its successors and assigns; to which payment, well and truly to be made, we bind ourselves and each of us, jointly and severally, and our and each of our heirs, executors, and administrators firmly by these presents.

Sealed with our seals and dated this 18th day of March, 1886.

Whereas the above-named William H. Post and Edgar S. Yergason, complainants in the above-entitled cause, have taken an appeal to the Supreme Court of the United States to reverse the decree in said cause by the honorable the circuit court of the United States for the district of Connecticut at its September
5 term, 1885:

Now, therefore, the condition of this obligation is such that if the above-named William H. Post and Edgar S. Yergason shall prosecute said appeal to effect and answer all costs and damages if they shall fail to make good their plea, then this obligation shall be void; otherwise to remain in full force and virtue.

WILLIAM H. POST. [L. S.]
F. O. CLARK. [L. S.]

Wisnesses:
E. E. MARVIN.
RICHARD F. CARROLL.

HARTFORD, *M'ch* 18, 1886.

Taken and acknowledged before me—
Attest:
E. E. MARVIN,
U. S. Com'r.

The foregoing bond is approved and the appeal is allowed.

N. SHIPMAN,
District Judge.

6 The return of the judges of the circuit court of the United States to the appeal of the appellants herein, the bill of complaint, pleadings, proceedings, and decree of the said circuit court, whereof mention is made in said appeal, follow in these words, viz:

7 WILLIAM H. POST and EDGAR S. YERGASON
vs.
THE T. C. RICHARDS HARDWARE COMPANY.

Be it remembered that on the 16th day of July, 1885, there was filed in the court a bill in equity in the words and figures following, viz:

United States Circuit Court, District of Connecticut. In Equity.

WILLIAM H. POST and EDGAR S. YERGASON
v.
THE T. C. RICHARDS HARDWARE COMPANY.

To the honorable the judges of the United States circuit court within and for the second circuit and the district of Connecticut:

William H. Post and Edgar S. Yergason, citizens of the State of Connecticut and residents of the city of Hartford, in the county of Hartford, in said State, bring this their bill of complaint
8 against The T. C. Richards Hardware Company, a joint stock corporation under the laws of the State of Connecticut, located and doing business at Winchester, in the county of Litchfield, in said State; and thereupon your orators complain and say—

That prior to the 17th day of August, A. D. 1880, said Edgar S. Yergason, a citizen of these United States, by his own industry, genius, efforts, and expense, invented and produced a new and original design for a curtain and loop not known or used by others before his invention or production thereof and not in public use or on sale for more than two years prior to his hereinafter-mentioned application for letters patent therefor, and thereupon said Yergason made proper and lawful application for letters patent of these United States for said design; whereupon such due and legal proceedings were had that letters patent of these United States, signed, countersigned, and sealed, dated August 17, 1880, and numbered 11947, were granted and delivered to said Yergason for said design,
9 whereby there was granted and secured to said Yergason, his heirs or assigns, for the term of fourteen years from the 17th day of August, one thousand eight hundred and eighty, the exclusive right to make and use and vend the said invention throughout these United States and the territories thereof; and the said Yergason, by written assignment dated July 1, A. D. 1885, and duly recorded in the Patent Office, sold and assigned to said William H. Post an undivided half part interest and ownership in and to said design and letters patent and the rights and privileges granted and secured by said letters patent, and all profits and damages recoverable for past infringement of said letters patent, with the right to said Post to sue for and collect said damages and profits at law and

in equity, in the name of said Post or in the name of said Yergason, or in the joint names of said Post and said Yergason; and your orators are now the sole and exclusive owners of said letters patent and of all the rights and privileges granted and secured
10 thereby, and of all profits and damages recoverable for past infringement of said letters patent.

Your orators further show that the said design is of great value and utility, and that your orators have made it profitable to themselves, and still more largely profitable to the public, by making and selling large numbers of articles embodying said design.

Your orators further complain, upon information, advice, and belief, and say that the said defendant has, since the grant of said letters patent at said Winchester, within said district, and at other places within these United States, unlawfully infringed upon said letters patent and upon your orators' exclusive right thereunder, by making, using, and vending, without the leave or license of your orators, large numbers of articles embodying the design described and claimed in the said letters patent, whereby said defendant has unlawfully realized large profits and your orators have unlawfully suffered large damages; all of which said doings of said defendant are contrary to equity.

11 In consideration whereof and forasmuch as your orators can only have adequate relief in this court of equity, to the end, therefore, that the said defendant may, if it can, show why your orators should not have the relief herein prayed, and may, upon the corporal oath of its proper officers and to the best and utmost of their knowledge, remembrance, information, and belief, full, true, direct, and perfect answer make to all the matters and things stated and charged herein;

And that said defendant may answer the premises, and that it may be decreed to account with and pay over to your orators its said unlawfully realized profits and your orators' said unlawfully suffered damages, with the costs of this suit—

May it please your honors to grant unto your orators the writ of injunction of this court, provisionally, enjoining and restraining said defendant and its clerks, attorneys, agents, servants, and workmen from making and using and vending any articles embodying said patented design during the pendency of this suit; and also the writ of injunction of this court, perpetually enjoining and re-
12 straining said defendant and its clerks, attorneys, agents, servants, and workmen from making and using and vending any article embodying said patented design, and that your orators may have such other and such further relief as the nature of the case may require and to your honors may seem meet.

May it please your honors to grant unto your orators, not only the writ of injunction, conformable to the prayer of this bill, but also a writ of subpœna, directed to said defendant, commanding it, on a day certain, therein to be named, to be and to appear in this court, then and there to answer the premises and to stand to, perform, and abide by

such further order, direction, and decree as may be made against said defendant.

And your orators, as in duty bound, will ever pray, &c.

EDGAR S. YEOGASON.
WILLIAM H. POST.

WM. EDGAR SIMONDS,
Solicitor for and of Counsel with Complainant-.

STATE OF CONNECTICUT, } ss:
County of Hartford, }

13 At Hartford, in said county and State, personally appeared said Edgar S. Yergason, and deposed that he is one of the complainants named in the foregoing bill of complaint; that he has read said bill and knows the contents thereof, and that the allegations thereof are true of his own knowledge, except as to those matters therein stated on information and belief, and as to such matters he believes it to be true.

EDGAR S. YERGASON.

Before me this 15th day of July, 1885.
[SEAL.] ALBERT C. TANNER,
Notary Public.

And on the same day W. E. Simonds, Esq., appeared for the complainant, and on the 4th day of September, 1885, Messrs. Mitchell and Hungerford appeared for the defendants.

And on the 15th day of October, 1885, a demurrer was filed in the words and figures following, viz:

Demurrer.

Circuit Court of the United States, District of Connecticut. In Equity.

WILLIAM H. POST and EDGAR S. YERGASON
vs.
THE T. C. RICHARDS HARDWARE COMPANY. } No. 500.

14 The demurrer of The T. C. Richards Hardware Company, defendants, to the bill of complaint of William H. Post and Edgar S. Yergason, complainants.

This defendant, by protestation, not confessing or acknowledging all or any of the matters and things in the said bill of complaint to be true in such manner and form as the same are therein and thereby set forth and alleged, doth demur thereto, and for causes of demurrer saith—

1. That it appears upon the face of the letters patent recited in the said complainants' bill of complaint that the Commissioner of Patents exceeded his jurisdiction in granting and issuing said letters patent.

2. Because it appears upon the face of the letters patent recited in the said complainants' bill of complaint that said invention or dis-

covery, if any such there be, is not a design within the meaning of the act of Congress in such case made and provided, and cannot be protected by letters patent therefor—that is to say, the alleged design is not a "new and original design for a manfacture, bust,
15 statue, alto-relievo or bas-relief," nor a "new and original design for the printing of woolen, silk, cotton, or other fabrics," nor a "new and original impression, ornament, patent, print, or picture to be printed, painted, cast, or otherwise placed on or worked into any article of manufacture," nor a "new, useful, and original shape or configuration of any article of manufacture."

Wherefore, and for divers other causes of demurrer appearing in the said complainants' bill of complaint, this defendant doth demur to the whole of said bill of complaint, and humbly prays the judgment of this honorable court whether it shall be compelled to make any further or other answer to the said bill of complaint, and prays to be hence dismissed, with its reasonable costs in this behalf sustained.

THE T. C. RICHARDS HARDWARE CO.,
By THOS. C. RICHARDS, *Treasurer.*

I certify that in my opinion the foregoing demurrer of The T. C. Richards Hardware Company, defendant, to the bill of com-
16 plaint of William H. Post and Edgar S. Yergason, complainants, is well founded in law and proper to be filed in the above cause.

CHARLES E. MITCHELL,
Solicitor and of Counsel for Defendant.

UNITED STATES OF AMERICA, } *ss:*
District of Connecticut, }

Thomas C. Richards, being duly sworn, doth depose and say that he is the treasurer of The T. C. Richards Hardware Company, defendant in the above-entitled cause; that he has read the demurrer to the bill of complaint therein, and that the same is not interposed for the purpose of delaying said cause or any proceeding therein.

Subscribed and sworn to before me this 12th day of October, A. D. 1885.

[SEAL.] GEORGE M. CARRINGTON,
Notary Public.

And on the 4th day of December, 1885, demurrer filed October 15th was withdrawn; and on the same day a demurrer was filed in the words and figures following, viz:

17 Circuit Court of the United States, District of Connecticut.
In Equity.

WILLIAM H. POST *et al.*
vs.
THE T. C. RICHARDS HARDWARE COMPANY.

This defendant, by protestation, not acknowledging or confessing

all or any of the matters and things in the said complainants' bill to be true in such manner and form as the same are therein or thereby set forth, doth demur thereto, and for cause of demurrer saith that the said bill doth not contain sufficient matter of equity or sufficient facts whereupon this honorable court can ground any decree in favor of said complainants or give them any relief against this defendant, and it does not set out the nature, character, or description of the pretended patented design referred to in said bill nor the letters patent alleged to have been obtained therefor nor make any profert of the same.

Wherefore, and for divers other good causes of demurrer to said bill, this defendant doth demur thereto and demand the judgment of this honorable court whether it shall be compelled to make
18 any answer to said bill, and doth pray to be hence dismissed with its reasonable costs in this behalf most wrongfully sustained.

I certify that, in my opinion, the foregoing demurrer of the T. C. Richards Hardware Co., defendant, to the bill of complaint in this suit is well founded in law and proper to be filed in the above cause.

FRANK L. HUNGERFORD,
Solicitor & of Counsel.

UNITED STATES OF AMERICA, *District of Connecticut,* } ss:

Frank L. Hungerford, being duly sworn, doth depose and say that he has read the foregoing demurrer to the bill of complaint in this cause, and that the same is not interposed for the purpose of delaying said suit or any proceedings therein.

Before me—

—— ——.

[SEAL.] JOHN P. BARTLETT,
Notary Public.

And on the 8th day of December, 1885, the issue arising upon said last-mentioned demurrer having been fully argued, opinion of court was filed in the words and figures following, viz:

19 Circuit Court of the United States for the District of Connecticut.

WILLIAM H. POST *et al.*
v.
THE T. C. RICHARDS HARDWARE CO.

SHIPMAN, *J.:*

This is a demurrer to a bill in equity for an injunction against the alleged infringement of a design patent.

The bill alleges that the inventor invented "a new and original design for a curtain & loop," and that letters patent therefor of a specified number and date were granted and delivered to the inventor. The usual averments are made in regard to the execution

of the letters patent. No other description of the invention is given and no reference is made to the patent for a further description.

The ground of demurrer is that the bill "does not set out the nature, character, or description of the pretended patented design referred to in said bill, nor the letters patent alleged to have been obtained therefor, nor make any profert of the same."

20 It is necessary that a bill in equity for an injunction against the infringement of letters patent for an invention should contain such a description of the invention as patented, as will apprise the court of its nature and character and the particulars in which the improvement consists. This may be done by a full and accurate description in the pleader's own language, care being taken not to depart from the legal effect of the language of the patent, or by employing the language of the specification, or by a reference to and profert of the patent. The last-named course is the usual and most convenient one.

The bare averment that the design was "a design for a curtain and loop" is not sufficient.

The demurrer is allowed with leave to amend.

WM. EDGAR SIMONDS,
For the Plaintiff-.
FRANK L. HUNGERFORD,
For the Defendant.

And on the 10th day of December, 1885, amendment to bill of complaint was filed in the words and figures following, viz:

21 United States Circuit Court, District of Connecticut. In Equity.

POST & YERGASON *vs.* THE T. C. RICHARDS HARDWARE CO.

Complainants, by leave of court, hereby amend their bill of complaint by adding at the end of line 8, page 2, immediately after the words "territories thereof," the following: "As by said letters patent or a duly authenticated copy thereof, ready in court to be produced, doth fully appear."

Dated December 9, 1885.

WILLIAM H. POST,
EDGAR S. YERGASON,
Complainants,
By WM. EDGAR SIMONDS,
Complainants' Solicitor.

And on the 22d day of December, 1885, a demurrer was filed in the words and figures following, viz:

Demurrer.

Circuit Court of the United States, District of Connecticut. In Equity.

WILLIAM H. POST and EDGAR S. YERGASON
vs.
THE T. C. RICHARDS HARDWARE COMPANY. } No. 500.

The demurrer of The T. C. Richards Hardware Company, defendant, to the bill of complaint of William H. Post and Edgar S. Yergason, complainants.

This defendant, by protestation, not confessing or acknowledging all or any of the matters and things in the said bill of complaint to be true in such manner and form as the same are therein and thereby set forth and alleged, doth demur thereto, and for causes of demurrer saith—

1. That it appears upon the face of the letters patent recited in the said complainants' bill of complaint that the Commissioner of Patents exceeded his jurisdiction in granting and issuing said letters patent.

2. Because it appears upon the face of the letters patent recited in the said complainants' bill of complaint that said invention or discovery, if any such there be, is not a design within the meaning of the act of Congress in such case made and provided and cannot be protected by letters patent therefor—that is to say, the alleged design is not a "new and original design for a manufacture, bust, statue, alto-relievo, or bas-relief," nor a "new and original design for the printing of woolen, silk, cotton, or other fabrics," nor a "new and original impression, ornament, patent print or picture to be printed, painted, cast, or otherwise placed on or worked into any article of manufacture," nor a "new, useful, and original shape or configuration of any article of manufacture."

23

3. Because the claim of said design letters patent does not cover any patentable invention, but is for matters and things which do not involve patentable novelty, in view of the well-known prior art, of which the court will take judicial knowledge.

Wherefore, and for divers other causes of demurrer appearing in the said complainants, bill of complaint, this defendant doth demur to the whole of said bill of complaint and humbly prays the judgment of this honorable court whether it shall be compelled to make any further or other answer to the said bill of complaint, and prays to be hence dismissed with its reasonable costs in this behalf sustained.

24

THE T. C. RICHARDS HARDWARE CO.,
Per T. C. RICHARDS, *Treas.*

I certify that, in my opinion, the foregoing demurrer of The T. C. Richards Hardware Company, defendant, to the bill of complaint of William H. Post and Edgar S. Yergason, complainants, is well founded in law and proper to be filed in the above cause.

F. L. HUNGERFORD,
Sol. and of Counsel for Def't.

UNITED STATES OF AMERICA, } ss:
District of Connecticut, }

Thomas C. Richards, being duly sworn, doth depose and say that he is the treasurer of The T. C. Richards Hardware Company, defendant in the above-entitled cause; that he has read the demurrer to the bill of complaint therein, and that the same is not interposed for the purpose of delaying said cause or any proceeding therein.

THOMAS C. RICHARDS.

Subscribed and sworn to before me at West Winsted, Conn., on this 21st day of December, A. D. 1885.

[SEAL.] GEORGE M. CARRINGTON,
Notary Public.

And on the 11th day of February, 1886, the issue upon the last-named demurrer having been fully argued by counsel for the parties, opinion of court was filed in the words and figures following, viz:

Circuit Court of the United States for the District of Connecticut.

WILLIAM H. POST & EDGAR S. YERGASON
vs.
THE T. C. RICHARDS HARDWARE CO'Y.

SHIPMAN, *J.:*

This is a bill in equity to restrain the infringement of design patent No. 11947, issued to Edgar S. Yergason August 17th, 1880, for a curtain and loop. The complainant- having made profert of the patent, the defendant has demurred upon the following grounds:

"1. That it appears upon the face of the letters patent recited in the said complainants' bill of complaint that the Commissioner of Patents exceeded his jurisdiction in granting and issuing said letters patent.

"2. Because it appears upon the face of the letters patent recited in the said complainants' bill of complaint that said invention or discovery, if any such there be, is not a design within the meaning of the act of Congress in such case made and provided, and cannot be protected by letters patent therefor—that is to say, the alleged design is not a 'new and useful design for a manufacture, bust, statue, alto-relievo, or bas-relief,' nor a 'new and original design for the printing of woolen, silk, cotton, or other fabrics,' nor a 'new and original impression, ornament, patent, print, or picture to be printed, painted, cast, or otherwise placed on or worked into any article of manufacture,' nor a 'new, useful, and original shape or configuration of any article of manufacture.'

"3. Because the claim of said design letters patent does not cover any patentable invention, but is for matters and things which do not involve patentable novelty, in view of the well-known prior art, of which the court will take judicial knowledge."

The specification describes the patented design as follows:

"Heretofore curtains have been looped back at the sides by means of cords or braids, ornamented or otherwise, which have been

27 attached to the sides or casing of the window or door and passed around the folds of the material. These loops have been made of silk or woolen, or of an inferior material covered with silk or woolen, and have been of a perishable nature, soon becoming frayed and moth-eaten.

The leading feature of my design consists in looping back a curtain by means of an ornamental chain in the place of the customary cord.

The curtain is of that class which is gathered to one side and looped.

The chain consists of a series of links with a ring at each end, which rings are passed over an ornamental hook attached to the side of the casing of the window or door to which the curtains are applied.

One end of the chain can be permanently united to the hook, if desired, as it is only necessary to one end to loop or unloop the curtains. * * *

My invention is especially adapted to curtains made of heavy, rich, and ornamental silk or woolen goods, and particularly to those which are hung upon metallic bars or supports at the top,
28 the whole presenting a superior symmetry and finish much more elegant than when the curtains are looped back by cords in the customary manner.

The chains can be made of a variety of ornamental forms and with a high degree of finish, and will retain their beauty for an almost unlimited period of time."

The claim is for—

"A new and original design for a curtain and loop, consisting of an ornamental metallic chain, in connection with a curtain adapted to be gathered to the side of the window and be held by said chain, substantially as described."

It will be observed that no new form or shape or fold is given to the curtain, and that the loop has no new form, shape, or impression; but, on the contrary, it may have a variety of forms. It is the old loop of silk or woolen, but it is made of metal. Nothing is requisite except that it shall be metallic and shall be ornamental. The patent is for any ornamental metallic chain used to loop curtains.

The plaintiffs urge with truth that the metallic chain is in
29 pleasing contrast with the curtain, and has, in connection with the curtain, a beauty of appearance and is an ornament to the curtain, and that "the thing invented or produced, for which a (design) patent is given, is that which gives a peculiar or distinctive appearance to the manufacture or article to which it may be applied or to which it gives form." (Gorham Co. *v.* White, 14 Wall., 511.) It is therefore claimed that the patented thing is a "design" within the meaning of the statute.

It is not clear that the substitution of any metallic loop for a silk or wooden loop is a "design" of the character which the statute contemplates, but, without deciding that question, it is clear that if such a change can properly be called a design it is not a patentable design. The mere substitution of one material for another in

the construction of or for the purposes of an ornament, the ornament to be of any approved form, cannot properly be patentable. There is nothing which the law deems "new" in a mere change of that sort.

The demurrer is allowed.

WM. EDGAR SIMONDS,
For the Plaintiffs.
FRANK L. HUNGERFORD,
For the Defendant.

30 And on the 18th day of February, 1886, the following final decree was made and entered in said cause, viz:

Circuit Court of the United States, District of Connecticut.

WILLIAM H. POST *et al.*
vs.
THE T. C. RICHARDS HARDWARE CO.

This cause having come on to be heard upon the bill of complaint herein and upon the demurrer thereto, as appears on file, and having been argued by counsel for the respective parties, now, therefore, it is ordered, adjudged, and decreed, and the court doth hereby order, adjudge, and decree, as follows:

That the complainants' said bill of complaint be, and the same hereby is, dismissed with costs to the defendant, to be taxed.

N. SHIPMAN,
District Judge.

A true record.
Attest: E. E. MARVIN, *Clerk.*

Defendant's costs, $20.
Taxed Feb. 18, 1885, by me, E. E. Marvin, clerk.

31 *Stipulation.*

Circuit Court of the United States, District of Connecticut. In Equity.

WILLIAM H. POST *et al.*
vs.
THE T. C. RICHARDS HARDWARE COMPANY.

It is agreed that a certified copy of the letters patent in suit may be substituted in the record for the original patent produced upon oyer prior to the hearing by the court upon demurrer last filed in said cause.

MITCHELL & HUNGERFORD,
Sol'rs for Def't.
WM. EDGAR SIMONDS,
Sol'r for Compl's.

Filed March 18, 1886.

E. E. MARVIN, *Clerk.*

32 (2–175.)

DEPARTMENT OF THE INTERIOR,

[Vignette.]

UNITED STATES PATENT OFFICE.

To all persons to whom these presents shall come, Greeting:

This is to certify that the annexed is a true copy from the records of this office of the design letters patent granted Edgar S. Yergason August 17th, 1880, number 11947. for curtain and loop.

In testimony whereof I, M. V. Montgomery, Commissioner of Patents, have caused the seal of the Patent Office to be affixed this 8th day of April, in the year of our Lord one thousand eight hundred and eighty-six, and of the Independence of the United States the one hundred and tenth.

[Seal Patent Office, United States of America.]

M. V. MONTGOMERY,
Commissioner.

Filed M'ch 18, 1886.

E. E. MARVIN, *Clerk.*

I, Edwin E. Marvin, clerk U. S. circ't court, Connecticut district, do — that the original patent, No. 11947, was on file in this case upon the hearing upon the third demurrer filed therein, and that afterwards, on the 18th day of March, by authority of the stipulation on that day filed, said original patent was withdrawn from the files by the complainants' solicitor and this paper, declared to be a certified copy of the same, was by him at the same time filed in substitution therefor.

Attest: E. E. MARVIN, *Clerk.*

33 (2–155.)

No. 11947, Design.

THE UNITED STATES OF AMERICA.

To all to whom these presents shall come:

Whereas Edgar S. Yergason, of Hartford, Connecticut, has presented to the Commissioner of Patents a petition praying for the grant of letters patent for an alleged new and useful design for a curtain and loop, a description of which invention is contained in the specification, of which a copy is hereunto annexed and made a part hereof, and has complied with the various requirements of law in such case made and provided; and

Whereas, upon due examination made, the said claimant is adjudged to be justly entitled to a patent under the law:

Now, therefore, these letters patent are to grant unto the said Edgar S. Yergason, his heirs or assigns, for the term of fourteen years from the seventeenth day of August, one thousand eight hundred and eighty, the exclusive right to make, use, and vend the said invention throughout the United States and the territories thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the Patent Office to be affixed, at the city of Washington, this seventeenth day of August, in the year of our Lord one thousand eight hundred and eighty, and of the Independence of the United States of America the one hundred and fifth.

[Seal Patent Office, United States of America.]

A. BELL,
Acting Secretary of the Interior.

Countersigned:
E. M. MARBLE,
Commissioner of Patents.

(Here follows photograph marked p. 34.)

35 UNITED STATES PATENT OFFICE.

EDGAR S. YERGASON, of Hartford, Connecticut.

Design for a Curtain and Loop.

Specification forming part of Design No. 11947, dated August 17, 1880; application filed May 28, 1880; term of patent, 14 years.

To all whom it may concern:

Be it known that I, Edgar S. Yergason, a citizen of the United States, residing at Hartford, in the county of Hartford and State of Connecticut, have invented and produced a new and original design for a curtain and loop, of which the following is a specification, reference being had to the accompanying photographic illustration, forming a part thereof.

Heretofore curtains have been looped back at the sides by means of cords or braids, ornamental or otherwise, which have been attached to the sides or casing of the window or door, and passed around the folds of the material. These loops have been made of silk or woolen, or of an inferior material covered with silk or woolen, and have been of a perishable nature, soon becoming frayed and moth-eaten.

The leading feature of my design consists in looping back a curtain by means of an ornamental chain in the place of the customary cord. The curtain is of that class which is gathered to one side and looped. The chain consists of a series of links with a ring at each end, which rings are passed over an ornamental hook attached to the side of the casing of the window or door to which the curtains are applied. One end of the chain can be permanently united to the hook if desired, as it is only necessary to unhook one end to loop or unloop the curtains.

In the accompanying illustration, A is the chain. B is the hook. C is the curtain to which they are applied.

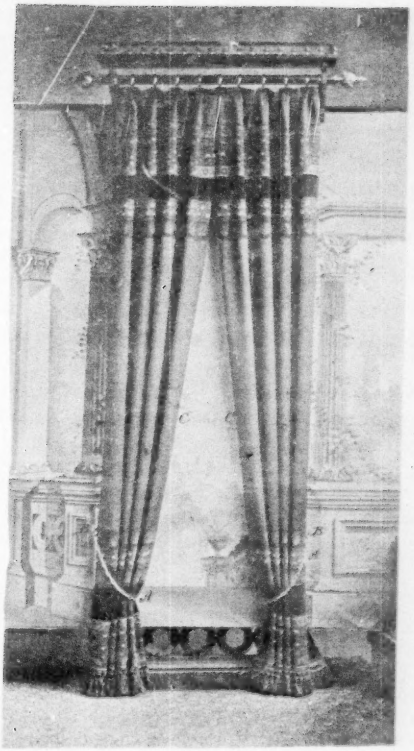
My invention is especially adapted to curtains made of heavy, rich, and ornamental silk or woolen goods, and particularly to those which are hung upon metallic bars or supports at the top, the whole presenting a superior symmetry and finish much more elegant than

Design.

E. S. Yergason.

Curtain and Loop.

No. 11,947. *Patented Aug 17, 1880.*



No 274
Pat Off Col.
P. G. Richards
Washington
p 311

when the curtains are looped back by cords in the customary manner. The chains can be made of a variety of ornamental forms and with a high degree of finish, and will retain their beauty for an almost unlimited period of time.

What I claim to have invented and produced is—

A new and original design for a curtain and loop, consisting of an ornamental metallic chain in connection with a curtain adapted to be gathered to the side of the window and be held by said chain, substantially as described.

EDGAR S. YERGASON.

Witnesses:
THEO. G. ELLIS.
WILMOT HORTON.

36 CLERK'S OFFICE U. S. CIRCUIT COURT,
HARTFORD, CONN., *April* 13, 1886.

I, Edwin E. Marvin, clerk of said court, do certify that the annexed and foregoing papers are true and correct copies of the bill of complaint, pleadings, proceedings, and decree on file and of record in said court in the case of Wm. H. Post and Edgar S. Yergason against The T. C. Richards Hardware Company.

In testimony whereof I have set hereto my hand and the seal of said court at place and date first above written.

[Seal of Circuit Court, Connecticut.]

EDWIN E. MARVIN, *Clerk.*

Endorsed on cover: Connecticut C. C. U. S. No. 274. William H. Post and Edgar S. Yergason, appellants, *vs.* The T. C. Richards Hardware Company. Filed May 28, 1886.